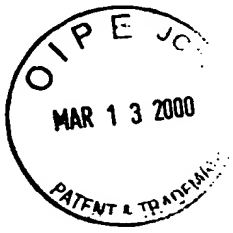
PATENT #9 3-20-00 DS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John O Bieser, et al.
Serial No.: 09/032893 Art Unit: 1771
Filed: February 27, 1998 Examiner: C. Juska
Docket No.: 41824B
For: HOMOGENEOUSLY BRANCHED ETHYLENE POLYMER CARPET, CARPET BACKING AND METHOD FOR MAKING SAME



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL WITH SUFFICIENT POSTAGE IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231, on

March 8, 2000
DATE OF DEPOSIT

Osborne K. McKinney
PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE

SIGNATURE OF PERSON SIGNING CERTIFICATE

3-8-00
DATE OF SIGNATURE

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

DECLARATION UNDER 37 CFR § 1.131

Osborne K. McKinney declares and says the following:

THAT he is a co-inventor of Claims 1-6 and 9-12 of the above-identified patent application and a co-inventor of subject matter described therein;

THAT prior to August 28, 1995 and the filing of US patent application number 08/520,149, he and other co-inventors had made the invention as described and claimed in the above-identified US patent application, as evidenced by the following:

THAT prior to August 28, 1995, having earlier conceived the idea of using a substantially linear ethylene polymer as an adhesive backing for carpet, a trial was set up to reduce the invention to practice by evaluating substantially linear ethylene polymers relative to a low density polyethylene carpet backing resin;

THAT prior to August 28, 1995, at Dow facilities in Freeport, Texas, in a trial attended by personnel of Shaw Industries, a carpet manufacturer, one of the co-inventors, Bob Turley, instructed a Dow extrusion coating technologist, Jim Goins, to extrusion coat a low density polyethylene resin and four different substantially linear ethylene polymers

onto samples of carpet greige goods, as evidenced by a photocopy of Bob Turley's dated and witnessed databook, attached hereto as Exhibit A;

THAT the four samples set forth in Exhibit A as "ITP" are substantially linear ethylene polymers, as this acronym denotes "INSITE Technology Polymer";

THAT although the databook provided herewith as Exhibit A constitutes evidence of reduction to practice in the US prior to August 28, 1995 of the invention described and claimed in the above-identified patent application, it is not the only evidence of reduction to practice in the US prior to August 28, 1995;

THAT Exhibit A shows facts of such character and weight as to establish that the invention described and claimed in the above-identified patent application was reduced to practice in the US prior to August 28, 1995;

THAT the statements of fact contained herein are true and correct to the best of my knowledge and belief; that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date 3-8-00

Name

Finished two days of coating carpet samples with Shaw Industries personnel.

550°F, 40 PSI N.P	Nickel abrasion Jump test 1 to 5	Paper clip hook of fiber loop
LDPE 959 (55, .923)	~~poor~~ = 1	~~poor~~ = 1
ITP (30, .870)	good = 5	poor = 2
ITP (18, .880)	poor = 2	good = 5
ITP (30, .885)	good = 5	good = 5
ITP (10, .885)	good = 5	good = 5

ITP products crystalize slower and stay molten longer facilitating penetration inside fiber loops. This is necessary to pass nickel abrasion. Higher density ITP with improved strength properties force the fiber to break before adhesion failure when loops are pulled with a paper clip.

EXHIBIT A

BY R. R. Turley DATE

READ AND UNDERSTOOD BY D. H. Mickelson DATE